This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

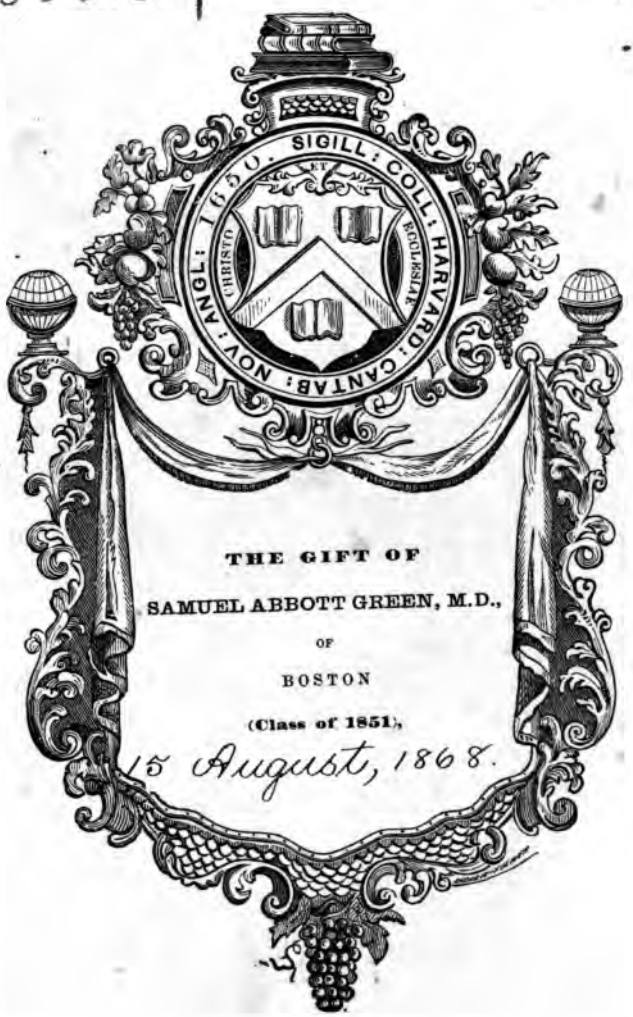
About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

US
5360
9

US 5360.9

Bd. 1874.



THE GIFT OF

SAMUEL ABBOTT GREEN, M.D.,

OF

BOSTON

(Class of 1851),

15 August, 1868.

THE UNION.

National and State Sovereignty alike Essential to American Liberty.

A DISCOURSE

DELIVERED IN

THE HALL OF THE HOUSE OF REPRESENTATIVES

AT THE CAPITOL IN FRANKFORT, KY.,

DECEMBER 19, 1859.

BY

THE REV. JAMES CRAIK, D.D.

LOUISVILLE, KY.
MORTON & GRISWOLD, PRINTERS.
1860.

THE UNION.

NATIONAL AND STATE SOVEREIGNTY

ALIKE ESSENTIAL TO

AMERICAN LIBERTY.

A DISCOURSE

DELIVERED IN

THE HALL OF THE HOUSE OF REPRESENTATIVES

AT THE CAPITOL IN FRANKFORT, KY.,

DECEMBER 19, 1859.

BY

THE REV. JAMES CRAIK, D.D.

LOUISVILLE, KY:
MORTON & GRISWOLD, PRINTERS.
1860.

~~7375.63~~
U.S.5360.9

1868, Aug. 15.
[illegible]
[illegible] M.D
([illegible])

FRANKFORT, February 2, 1860.

REV. JAMES CRAIK, D. D.,
Louisville, Ky:

Dear Sir—At this particular period of our history, when the thoughtless have been raising the mad cry for disunion, the true friends of our beloved country feel called upon to do all in their power to quiet the spirit of insubordination and strife, and to perpetuate our inestimable privileges once purchased for us by the blood of our fathers.

Believing that the able lecture which you recently delivered in the Capitol, at the solicitation of prominent citizens of the State without regard to political distinctions, will prove a timely publication to be scattered broadcast through the land, we respectfully solicit a copy for the press.

With sentiments of high regard and esteem,

Your obedient servants,

THOS. S. GRUNDY,	SAMUEL HAYCRAFT,
JOHN G. LYON,	L. W. ANDREWS,
JNO. L. IRVAN,	J. B. BRUNER,
C. W. LEWIS,	HENRY M. RUST,
W. H. M'BRAYER,	CYRENIUS WAIT,
JAS. E. GIBSON,	ROBERT E. GLENN,
THOS. P. PORTER,	W. C. GILLISS,
JAMES M'KEE,	JOHN F. FISK,
HARRISON THOMSON,	S. H. BOLES,
JOHN M. JOHNSON,	C. D. PENNEBAKER,
C. J. WALTON,	C. CHAMBERS,
T. T. ALEXANDER,	V. P. ARMSTRONG,
GEO. DENNY,	JOHN S. RATCLIFF,
A. P. GROVER,	H. TAYLOR,
JOHN A. PRALL,	THOS. PAGE,
S. E. DE HAVEN,	H. WINGATE,
EWD. H. TAYLOR,	ROBERT R. TAYLOR,

B. MAGOFFIN.

THE UNION.

I COME before you this evening the humble advocate of the American Constitution, and of American liberty and happiness inseparably bound up in that Constitution.

By the American Constitution I do not mean the Federal Government, but the complex system formed by that Government and the several State Governments in their due place and connection.

I come to attempt to show you why you should cherish this system as, next to Christianity, the most precious of the gifts of God to any people. I hope to prove to you that every man in this house, and every man in this country, should swear to preserve these institutions: and, as the temporal sanction of that oath, should pledge, as our fathers once did on an issue not more sacred, their lives, their fortunes, and their sacred honor.

As an intelligent people, placed in trust by Almighty God with the most glorious heritage ever bestowed upon men, it is our imperative duty to study well the principles of the government under which we live; and to look from time to time with earnest scrutiny at the working and progress and condition of those principles, and of the institutions founded upon them.

Society and government cannot work themselves in an invariable order, as the animal, vegetable, and inorganic systems of creation seem to do, by virtue of physiological and mechanical forces once for all applied. Society and government are subject to all the various and changing conditions of that wondrously complex being, free, intelligent, aspiring, and corrupt, who bears

in every lineament of his character the impress of the truth that he was created in the image of God, and that he has sadly fallen from that image.

Care, labor, watchfulness, diligent inquiry, constant effort, opposition to evil, struggle for the good, are the essential conditions of man's nature, and of the well-being of all that belongs to him or proceeds from him. These conditions attach with especial force to society and to government, which constantly tend to corruption, hideous and destructive, unless preserved in purity by the faithful application of these essential conditions of all human good. The merchant who imagines that his business will work itself, and leaves it to do so, will not be long in finding himself gazetted as a bankrupt. The man who undertakes to live without any struggle against the evil tendencies of his nature, but blindly follows the leadings of each passing impulse, will inevitably become a monster of depravity in that form of evil to which his nature may happen to be most inclined. So, for a people to lose all knowledge, and to abandon all care of the principles that are at the foundation of society and government, is to bring upon themselves oppression, calamity, and degradation, commensurate with the blessings they have forfeited by their negligence and folly.

I do not now refer to the subjects of ordinary legislation, and of political controversy. To these every people possessing the slightest modicum of freedom are sufficiently attentive. And from the latter of these especially the Christian teachers of a country should religiously abstain. But I refer to those fundamental principles which are the supports of social order, and of the government which protects all alike in the enjoyment of all that is dear and valuable to man. I am here this evening because some of those fundamental principles — the philosophy of our American Constitution — do not seem to have been fully recognized by many of our later statesmen and constitutional lawyers. And yet a familiarity with this philosophy, with the

rationale of the system we have to administer, is requisite to its right administration, especially in times when the system is exposed to a peculiar pressure and trial of its quality. Bear with me, then, while we look together at the reasons which make this complicated government of ours so important to the preservation of liberty here, and to the vindication of liberty in all the world.

That the Almighty Disposer of human events has called the people of this country to a great work, and to a glorious concurrence with Him in the progressive elevation of mankind, is manifest from many circumstances of our national history.

The recent subjection of a pure and virgin continent to the sway of that Teutonic race which had already proved itself to be before and above all other races for perseverance, endurance, indomitable energy, the spirit of adventure, and strong common-sense, as distinguished from genius; the peculiar political, civil, social, and religious education, in the parent country, of that branch of this strong stock which was first engaged in the colonization of America: the hardships, privations, and incessant struggles by which a wild and rugged country, claimed by the fiercest savages in the world, was slowly and gradually subdued, thus adding force and intensity to all the national characteristics: the gradual commingling with this original population, of the best blood of Europe, driven hither by persecution, or allured by the spirit of adventure and the pursuit of fortune: the wondrously felicitous situation of the continent given to the race so admirably and variously trained, that continent extending from ocean to ocean, in equal communication with the earliest and latest seats of empire and civilization: all these facts conspire to show that God has called us to a station high above all people in working out His purposes of good-will to men.

The national character which, by a long course of Providential training, God had impressed upon the people of this country, as the meet preparation for a great and glorious mission, is beau-

tifully presented to us in its highest perfection, and in its sublime ideal, by that man whom we justly call the Father of his country. Washington stands alone, isolated, unmatched and unparalleled, among the heroes and mightiest men of ancient and modern history in the old world. The greatness of that crowd and of this man have no points of similitude, and present no elements of comparison. But among his countrymen and compatriots Washington was not alone or singular. He was, indeed, a head and shoulders above the rest, but he was like them all. He was but the perfect type, the accomplished model, of that national character which God had been forming for the accomplishment of His designs of beneficence to man. Washington was the full development, the noble standard, of an American gentleman, citizen, soldier, statesman, Christian. His generous ambition was to illustrate and show forth in its completeness, each one of these characteristics of a true man. And the noble symmetry and roundness of his character showed them all in beautiful proportion and in sublime perfection. I doubt whether the paltry thought of kingship and a crown ever crossed his mind until the degrading suggestion was intruded from without, and then it was simply treated with contempt and indifference, as too mean a thing to company for a moment with the pure and lofty purposes of his soul.

The formation of such a character, at such a crisis in the history of his country, was God's especial care, who works by fitting instrumentalities for the accomplishment of His will. That character was formed and lifted up to the contemplation of the world, to serve as the teaching example and the persuasive model for that and for all future generations of men.

I have just referred to that old world discipline by which Providence, in its slow and stately march, had prepared and furnished the elements of the American character. All of us are familiar with the millennial contest waged in England under

successive dynasties, with changing fortune, but with unchanging perseverance and determination, for *civil freedom*, and for *constitutional* government. We know the incidents of that fiercer and more stirring battle, so gloriously fought on the same ground by the same ancestry, for *religious freedom*, for the right to think, for the power to hold communion with God our Father, on the terms which He has Himself prescribed. By the issue of that mighty struggle, Priestly Despotism, the most malign dominion to which the human soul for its ignorance and unfaithfulness has ever been subjected, was thrown off from them and from their children forever. The agitations and convulsions among the conquerors in this last contest, was indeed a shameful abuse of their newly acquired liberty. But this very abuse was overruled by the Almighty, to be the means of exercising and developing to their utmost capacity all the best powers of noblest manhood.

Then came the American part of the discipline by which our countrymen were prepared for the mighty work which Providence had assigned to them. A few adventurous spirits transferred to this country the character, the freedom, the civil and municipal institutions, so nobly won at home. Here a wilderness was to be subdued; treacherous savages watched, propitiated, conquered. Here an empire was to be founded, and the administration of a self-sustaining government to become the familiar duty of every gentleman.

You see how God was working in history to form the generation of true men who achieved your glorious revolution, and placed your free institutions upon an impregnable foundation.

Let us turn now to those principles of government and of social order which the race, so trained and prepared, recognized and vindicated as the firm foundation of American liberty, and of the hopes of the world which spring from that liberty.

All government is founded upon the imperfection of human nature. If all men were sufficiently intelligent and good, there

would be no necessity for government; for every one performing perfectly his own duty in his own sphere, would most effectually promote the common good and the general happiness. But man is not so happily constituted. He is so selfish that, as the general rule at least, each one will pursue his own ends and gratify his own desires at the expense of the rights and happiness of his fellows. And he is so short-sighted that no one person can be trusted to determine absolutely for his own action the best means of promoting private or public prosperity. Hence it is necessary, not only for man's well-being, but for his very existence, that there should be placed over him a government, with large, controling, and stringent powers. These powers are otherwise called sovereignty; and upon their right and proper exercise depend the welfare of the whole community, and the peace and happiness of each one of its members.

In a simple government, the whole or nearly the whole of this immense power is lodged in a single depositary. In all former precedents, with the exception of the troubled but illustrious democracy of Athens, this depositary has been a single person, or a small body of nobles, or an armed soldiery.

But the same vice of human nature which renders government necessary, demonstrates this to be a most injurious and oppressive form of government. For, if no man can safely be trusted with unlimited control over himself, much less can any man or body of men be trusted with unlimited control over others.

Experience has given a melancholy confirmation to this teaching of right reason; and, in the multiplied miseries and oppressions of despotism, proclaims that no one man, or body of men, has sufficient intelligence or goodness to be entrusted with so much power.

This experience of mankind has led, under the guidance of Divine Providence, to the gradual growth and consolidation of limited and complicated governments. The principle of these mixed governments is, that the vast powers necessary to consti-

tute an efficient civil government shall be so divided between a number of distinct and independent depositaries, and the interests and feelings of these several holders of the sovereign power shall be so various and contrariant, that they may check and restrain each other, when either wishes to do harm, and only combine and move harmoniously together, when they are striving to carry out the legitimate purposes of government.

The Roman Republic and the Constitutional Monarchy of Great Britain were the grandest and the most beneficent illustrations of this form of government, that the world had seen previous to the firm establishment of the American Constitution.

The framers of the Federal Constitution undoubtedly intended to construct every part of their work upon this admirable principle. With the nature and happy efficacy of the principle, they were perfectly familiar by their knowledge of the British Constitution, and by their own personal experience in the working of the Colonial Governments. They tried, therefore, to incorporate the same beneficent provision into all the arrangements and details of the Federal Government. Upon paper that Constitution is very intricate and complicated. The several powers embraced within the terms of the Constitution, are carefully separated from each other, and confided, as was supposed, to distinct and independent agencies; making, to all appearance, a beautiful and effective system of checks and balances.

But the venerable framers of the Constitution entirely overlooked, in their estimate of the practical working of this seemingly complex system, one immense and inappreciable power, the operation of which reduces to nothing all the well-adjusted theoretical distinctions between the departments of the Federal Government, by the ease with which it over-balances them all. This preponderating and crushing element in our system, is the direct and immediate agency of the whole people in all the conduct and administration of the government, ordinary as well as extraordinary.

That Sovereignty resides ultimately in the people, is a principle which lies at the foundation, perhaps, of all governments; certainly of all popular governments.

The Czar of Russia, disregarding the old formula of reigning "by the grace of God," professes to govern as the representative of the people—the Father of his children. Louis Napoleon is emphatically a Democratic Sovereign. He is the sole and irresponsible exponent and executor of the popular will. This is the tenure by which he professes to hold his office. So true is it that any SIMPLE government is necessarily a ruthless despotism, destructive of all human right and liberty. These examples show how a representative Democracy may be the most pure and stringent of Autocracies.

But never before, unless a single Grecian city be an exception, was there founded a system of government in which the ordinary powers and attributes of sovereignty were designed to be vested exclusively in the great body of the people, to be by them directly and habitually exercised in the ordinary administration of affairs.

A variety of causes have concurred to produce in this age and country a result which never could have occurred before; and which, without the influence of our example, never would have been dreamed of in other lands. The chief cause to which this revolution is to be ascribed, is the wonder-working power of the Press, which carries the decision of every question directly to the tribunal of the whole people.

Does the great fact which we have announced in regard to the practical working of American institutions, require to be proved? Are there any who can be so deceived by the power of a name, that they cannot discover the reality of things, because the names designed and fitted for the theoretical and paper system are continued and applied to the actual and practical system? When the greatest of Republics became the greatest and most despotic of Empires, not a single name or title was changed. This

mighty revolution was effected by the one solitary change, that all these titles and offices, Consuls, Censors, Tribunes, and all the rest, became thenceforth the expression of a *single will*, the will of the once subordinate Imperator, instead of the expression of the distinct and independent wills of different and conflicting estates and persons.

One fact will furnish a full illustration of the change that has passed upon a part of our system. The first officer of the government was designed to be chosen by the mature wisdom of Electoral Colleges, composed of men selected from the body of the people on account of their experience, judgment, and integrity. So many separate and independent bodies, thus admirably constituted, were deemed to be the best possible provision for the safe and wise discharge of the most difficult and dangerous feature of a republic, the election of a Chief Magistrate. It is well known that, under the actual working system, the Electoral Colleges have never been anything but cumbrous and superfluous instruments for signifying to the central government the choice of the President, already made by the people in their primary assemblies. And it is very probable that the majority of the voters do not know that there is any such intermediate machinery, composing a part of our institutions. The practical working of this provision is but a type of the change that has passed upon the whole system.

The lower House of Congress, and the President, as the immediate representatives of the people, are at once prepared to register and execute the decrees of a popular majority. The Senate, by reason of its relation to what I conceive to be the only conservative feature of our political institutions, does yet, in some degree, fulfill the purpose and realize the theory of the Federal Constitution. For any act of Federal legislation there must be a concurrence, not only of a popular majority, but of a majority of States as represented in that body. But this conservative element will often prove to be unsubstantial and illu-

sory. For in any great agitation of the popular mind a few recusant Senators may easily be found who can be intimidated or bought.

But, besides this fatal and easy resource, a thousand modes of oppression and injustice may be employed, under the instigation of some popular fancy or frenzy, in which a majority of States will eagerly concur with a majority of the people. The idea that this contingency can be prevented by maintaining a balance of power between certain interests, in a body which is continually changing its composition with the ever advancing population of the country, is the latest suggestion of political charlatanry. Our fathers did not commit the folly of building on the sand, of founding a government upon a shifting and uncertain basis. To make the integrity of the government dependent upon such an arbitrary balance of power, in a representative body, is to suppose the human mind and the human race stationary, and unchangeable. It would be to arrest population, and knowledge, and opinion, and interest, at one certain point, and fix them there forever. The Constitution of the United States attempts no such flagrant violation of truth and reason. The recent demand for a new provision to that effect, under the title of "new Constitutional Guarantees," can only be regarded as another pretext for seducing the public mind into disloyalty to the Union.

By many persons the Supreme Court is looked upon as the great conservative feature of our institutions. An Independent Judiciary is the great conservative feature of social and civil life. But it is in a very slight degree, if at all, a *political* institution. Its jurisdiction only embraces cases of forensic litigation, and it is utterly powerless beyond the mere rendition of a judgment or decree. The execution of that judgment remains with the representatives of the popular majority.

So far, then, as the action of the Federal government alone is concerned, the majority of the people of the whole Union is the Sovereign power, the actual government of the United States;

and our system is, therefore, looking to that government alone, a Simple Democracy.

It is hardly to be expected, although the language of some of his courtiers and flatterers would intimate as much, that His Majesty, the Democracy, will be altogether exempt from the failings and vices which belong to other potentates, and which attach to poor human nature in all conditions, and especially in high and elevated stations. On the contrary, experience has amply proved that his Democratic Majesty has a quantum sufficit of these ordinary vices and failings of royalty.

The most usual and the most fatal vice of royalty in its simple and despotic forms, is the constant tendency to surrender itself blindly to the guidance of every vile and worthless favorite, who, to gain his Master's confidence, has first stooped to lick the dust from his Master's feet; and who will carefully cultivate, and diligently pander to, all the monarch's basest passions, that he may obtain the fearful power to sacrifice the dearest rights of men to the promotion of his own low, and mean, and miserable purposes.

To this common fault of despotism, the Democratic Sovereign of these United States seems to be quite as much exposed as any other absolute monarch. It is true that in theory the ear of his Majesty is equally open to every description of counselor. The honest and the dishonest portion of the public press, the high-minded statesman, and the corrupt politician, may upon equal terms approach the throne. But which of these two classes of counselors will be most regarded and most successful? Will it be the stern patriot, who coldly addresses the reason of his Sovereign, who preaches all the virtues, and talks about those dull abstractions, justice and right? Or, will the supple courtier, who can lie, soothe, and flatter; who will rouse by artful appeals the slumbering passions of his Master, and who will minister to the gratification of that Master's lowest appetites, be most apt to win his way to favor and to power? Let history and experi-

ence tell. True it is, that sometimes the Democracy, like other Sovereigns, may be suddenly aroused from a long dream of security and pleasure by the rugged realities of adverse fortune; and for the moment he may rudely shake off the vile pests which have wooed him to his undoing. But these will be only transient and temporary triumphs of virtue and intelligence. The conclusion of right reason, and of experience alike is, that a Simple Democracy will prove to be as destructive to freedom and to happiness as all the other simple and unmixed governments have been. I do not state this invidiously. Our government is a Democracy, although not a simple one, and therefore, so far as its firm maintenance is concerned, I am a Democrat. Our Democratic institutions rest upon a firmer and broader basis than any of the rotten tyrannies of the old world. I state the fact of our actual condition in order that we may see our consequent duties and perform them.

Most happily our government is not an unmixed one. In describing the process by which all the powers of government have been absorbed in the absolute sovereignty of a numerical majority of the people of the United States, thereby making our government a SIMPLE DEMOCRACY, as dangerous to liberty as any other despotism, we have left unnoticed one principal feature of the American Constitution. The contemplation of that other feature changes the whole aspect of the case, and presents a conservative element which gives to the system its real character and its only chance of success and permanency. That other feature is the glorious FACT, that STATE SOVEREIGNTY and NATIONAL SOVEREIGNTY CO-EXIST, AND ARE THE HEALTHFUL EQUIVALENTS OF EACH OTHER IN THE AMERICAN CONSTITUTION. All the powers necessary to complete sovereignty never were and are not now vested in the *Government* or in the PEOPLE of the United States. Nor were the whole of these powers ever vested in the people of a single State of this Union, except for a brief period, in the people of Texas.

What the wise and venerable framers of the Federal Constitution were unable to accomplish in regard to the several departments of that government, Divine Providence had already prepared for the American people, by the distribution of the powers of sovereignty between the Central government — the necessary expression of the original unity and nationality of the people — and the respective State governments, which had possessed and exercised a portion of these powers from the first settlement of the country.

Real and enduring governments cannot be made to order, but must be a growth out of circumstances, history, and national character, in the progress of which human wisdom, and God's superintending care, may concur and work together for the consummation of His merciful purpose in the happiness and elevation of mankind. Thanks be to that distinguishing Providence, which has exalted our land and people in blessings and privileges above all the nations of the earth, we have never been subjected to the crushing despotism of a Simple Government, either Autocratic or Democratic. The whole Federal Constitution is but one department of the government under which we live.

The wisdom of our Fathers was shown, not so much in their constructions, as in their clear recognition of what God, working through history, and upon national character, had already constructed for them; and in the care which they took for the perpetual maintenance and continued activity of that Divine work. That Divine provision, which the Constitution recognizes, and brings into living and constant action, consists of these two facts — that the American people have always been ONE NATION, under one common allegiance; and have always been divided into separate, and to some extent independent, sovereignties.

The question has often been mooted, whether the Federal government is the creature of the States, or whether the States derive their power from the grants and permissions of the Federal Constitution. Neither of the parties to this issue can prevail,

for both the propositions are untrue. The people of the United States were always one people, and formed their own Federal Constitution. The States were always distinct governments, and exercised the powers which they now possess. The people of the whole Union and the States together organized the Federal government.

This division of the functions of government between independent depositaries, each of which possesses an inherent power to sustain itself, and to exercise its own rightful jurisdiction, constitutes a conservative element in our political system, the like to which in salutary efficiency has never been presented before in the history of nations. And it is the only permanent conservative element in our political system. For without this, the only other apparent element of conservatism, the independence of the Judiciary, could be swept away by a single decree of the Democratic Sovereign.

A glance at the history of the formation of the Constitution will show us how this great conservative element came to be firmly and permanently established in the Federal government as its one pervading and fundamental principle.

The American Constitution is no closet work, framed to order, and realizing some beautiful theory of human rights, and political perfection. Such things, like Plato's Republic, and Moore's Utopia, and the many Constitutions of the Abbe Sieyes, are incapable of application to the actual government of men. All real and effective government must be a growth out of the condition, character, and history of a people. Many of the framers of the Constitution had their own favorite theories of government; but none of these were adopted as the basis of the system they gave to the country. So far as theory was admitted into that instrument at all, it has already proved a failure. But the main fabric of the Constitution is something far more permanent and real. It is the wise adjustment, and patient and conciliatory reconciliation, of the actual facts, and conflicting inter-

ests, and well established principles, of our previous condition.

The two leading plans of government brought before the Constitutional Convention were called, respectively, the Virginia, and the New Jersey, plan. The first proposed simply a National government, the second a pure Confederation. Neither of these plans were mere theories. Each was the result of the most matured and practical wisdom of the day, working upon the materials furnished by the actual character and position of the country. But each was one-sided and defective, because the human mind is so. Neither one admitted and provided for all the facts and circumstances of the case. Each presented clearly, and made ample provision for, one class of facts and interests, but almost entirely ignored the other and conflicting class. Neither plan, therefore, could have worked successfully and efficiently, even if it had been accepted by the Convention and the people.

The plan of a Confederation ignored the most material fact of the whole case — that the people of the United States were One, in their origin, not only, but had always been one people, in their history and in their allegiance. The National scheme left too much out of view the other great and material fact — that, in subordination to this unity and common allegiance, each State had always been a separate and independent power, possessing the ordinary machinery, and exercising the ordinary functions of government. The Colonization of the country under separate CHARTERS, but subject to a common allegiance, had produced this result.

When the opposing facts and interests represented by these two schemes of government met together in the Convention, it was found that all of them were too real, too vital, too energetic, to be destroyed or neglected; but must of necessity be accepted, and placed in their rightful position of power and authority in the new government. The advocates of each scheme were, therefore, at first disappointed; but they soon found that such a de-

feat was the triumph of truth and reality, and, therefore, their own best and most glorious triumph.

The latest historian of the Constitution does not seem to have apprehended fully both sides of the great truth which is so amply set forth by all the facts which he details. He says in one place: "The Colonies had no direct political connection with each other before the Revolution commenced;" and in another place: "We have seen the American people, divided into separate and isolated communities, without nationality, except such as resulted from a general community of origin."—*Curtis*, Vol. I, p. 7, p. 383.

But, surely, this common origin not only, but one common allegiance, one language, one generous feeling of loyalty to the same throne, a common sense and habit of dependence on the Mother country for defense and protection, the universal recognition of a common government in all the highest attributes of sovereignty, constituted at all times a COMMON NATIONALITY, most real, pervading, and effective. James Wilson, of Pennsylvania, stated the case in the Convention much more accurately. "During the war he had always considered the States, with respect to that war, as forming one community; and he did not admit the idea that when the Colonies became independent of Great Britain they became independent of each other."—*Curtis*.

Many of our philosophic Statesmen, misled by the recent formation of the present form of the Federal government, call that government "a creature of the several independent States that consented to it," and transfer to the American Union the old exploded dream of a Social Contract. They thereupon take it for granted, that, upon the failure of that instrument, supreme and uncontrolled sovereignty will revert to the several States.

These gentlemen forget that the States never possessed Supreme Sovereignty, and that our existence as one people, living under a common allegiance, and subject to the same Common Law, is *a fact parallel with the State Sovereignty, and coeval with it.*

The form of the General government, adopted in 1787, is necessarily, by its very object and purpose, one of limited and strictly defined powers; because it is just the mode employed to give force and expression to that previously subsisting UNITY, leaving the State sovereignty and organization, as they had been aforetime, unimpaired and untouched.

The UNION, therefore, is a FACT before and above the new form of government which is its *present practical expression.* That Union is as old as the States, and must co-exist with them, and so modify and influence their sovereignty.

The Revolution, in separating us from Great Britain, left us still ONE PEOPLE. The Revolutionary government assumed and acted upon that fact, and took the place of the government that had been renounced. The Articles of Confederation, subsequently adopted, ignored that fact, under the influence of theory, and was one grand mistake. It, therefore, broke down at once, an utter and ignominious failure. But even this abortive effort at a government formed a substantive part of the growth of the Constitution, by demonstrating, at the right time, its own intrinsic insufficiency and worthlessness.

After long and earnest consultation and debate, the Constitutional Convention, with profound wisdom, adopted as the foundation of the American system of government *these two great facts of our history and condition:* the separate existence, and partial sovereignty, of the several States, and the Union of the people of these States into one mighty Nation, under one common government.

Like all the works of God, this arrangement of His Providence consists of apparently conflicting elements. The harmony of the universe is the mutual antagonism of opposing forces, rightly ordered. The harmony, the perpetuity, and the power of American institutions depend upon the just antagonism of these two opposing forces; the separate sovereignty of the States, and the Union of the States under one government into one nation.

The wisdom of our fathers did not invent this wondrously complicated system. Nor could they have taken the first step towards the execution of such a plan. The whole design came from the wisdom and care of Him, who so ordered our national growth, that we were *at all times one people*, and likewise, *at all times under the direction of separate local governments.* The profound wisdom of our fathers was shown in their recognition of the wisdom and goodness of God in making this provision for the welfare and for the liberties of His people; and in the care which they took to maintain and perpetuate it in the whole frame-work of the government,

Of all the checks and balances in the written Constitution, this is the only one that survives with any living and effective power. This not only lives, but it is as vital and efficient as ever. The reason is, that this provision is not only a part of the written Constitution, but it lives in the hearts of the people, and in the whole practical working of American society. The fact is another pregnant illustration of the principle that real governments cannot be manufactured; but must be a growth out of the condition, circumstances, history, and character of a people. God, in His wise Providence, so ordered our growth as to give us this system. He gave it, not as an abstract principle, but as a living fact of our national existence. The framers of the Constitution found it a reality, and fixed it in that instrument, as the foundation of the whole fabric. It is this great and unprecedented feature of our institutions which saves this Government from becoming a simple despotism, as crushing and oppressive as the worst tyrannies that have made the earth to groan. In the preservation of this system is garnered up the last hope of mankind for liberty and happiness. To attempt its destruction, to annihilate the Sovereignty of the States, or to dissolve the Union of the States, is TREASON, not only against the actual Government, but treason against American liberty, treason against social

order, treason against the highest hopes and aspirations of humanity, treason against the God of heaven who committed to us this inestimable trust for ourselves, and for the world.

The little creatures, the spawn of a long period of tranquil prosperity, who are continually prating, in the North, and in the South, about a dissolution of the Union, at each passage of the Government which vexes into a miniature storm the undisciplined passions of their tiny souls, simply do not know what they are talking about. The people in the majesty of a virtuous indignation should send these mischievous, overgrown children home, and set them to work at something they can understand.

The very principle of our complex Government is founded upon the postulate, that there may be at any time attempted wrong, and impending injury, from one side or the other. But the conservative remedy is, that the nation in its aggregate capacity, and each State as a separate commonwealth, possesses, in independent integrity, all the powers and functions of a self-sustaining Government. The result is that either party is at once and effectually checked and restrained when it goes beyond its sphere, and undertakes to *execute* its purpose of oppression and wrong. The experience of the country so far has proved, and as long as we are capable of liberty the same thing will be true, that neither party can successfully oppress and injure the other. The action of each Government in its own sphere is too constant, too regular, and too decisive, to be successfully overborne by the irregular and usurped action of the other in the same sphere. The aggressor, whether the Federal Government, or a particular State, will inevitably, under such a system, be compelled to retreat within the limits of the Constitution.

But a dissolution of the Union would be the destruction forever of this only conservative-element in our political system;

and each of the parts would then be abandoned to that simple government, which, in any possible form, must be a despotism, intolerable, and destructive of all human right, liberty, and nobleness. The lightning flash may at last strike and shiver into many pieces the noble oak which has grown and hardened and battled against the fierce elements for a thousand years. You may find, and even gather up these charred and blackened atoms. But the pride of the forest is no more. The dissevered fragments have no vitality, or beauty, or self-sustaining power. So will it be when the anger of Heaven, for the sins of the people, shall rend asunder this glorious Union, which is no fabricated expedient, but a Divinely ordered growth, meeting all the exigencies of our position, and laden with the rich fruit of unnumbered blessings to us and to mankind.

These appear to me to be the abstract principles which lie at the foundation of the American system of Constitutional liberty. Now a fearful crisis has arisen to test these principles. If the principles are worth anything they will meet the test, if the people but understand and apply them.

The people of one portion of this Confederated Republic, moved by a distempered fanaticism, have become terribly conscience-stricken on account of the supposed sins of their fellow-citizens in other States of the Republic. And they tell us that they can have no peace of conscience, and no quietness of soul, until they put away from us this great sin.

I do not stop here to classify the keepers of these tender consciences, who are so unduly burdened with the weight of other people's sins. The murderous insurrectionists of Harper's Ferry; the wordy fire-brands, who, in the pulpit, on the platform, and through the press, kindled this devouring flame in braver bosoms than their own; and the milder advocates of simple argument and moral suasion; are all alike guilty of this one great wrong. They have undertaken to control and regulate a matter with which they have no sort of connection, Provi-

dential, Political, or Social. Their conduct is a gross offence against the American Constitution, against National Comity, against the established principles which regulate the intercourse of civilized peoples.

The pretence that they are concerned, because it is a *national crime*, is a miserable plea indeed, when the nature of the thing itself, and the Constitution in correspondence with the truth of the case, deliberately and of purpose, leaves this whole subject to the sole control and discretion of the people of the several States. As to the common Territories, as the Federal Government cannot create, so neither can it destroy, the rights of person or property.

But this pseudo moral and religious fanaticism, like all kindred fanaticisms, cannot be reasoned with. It must run its course and die, like its innumerable predecessors. All that sensible men can do in the premises is to take care that the madness does the least possible mischief while it lasts.

Now let us suppose the worst: that a controlling majority of the people become abolitionized, and determine to use the Federal Government as the instrument of perpetrating their folly. "Then we must dissolve the Union," comes up as the despairing cry of multitudes of true but despondent patriots. "Then the Union is already dissolved," shout with an exultant laugh, the traitors who have been plotting this dire consummation for years gone by.

Fellow-citizens, this would be to act like the child who throws his ball into the fire because its unexpected rebound had hit him in the face. Have we not already ascertained that, if our liberty and our rights existed merely by grace of the paper Constitution, a despotic majority would treat them with as little ceremony as the paper on which they were written, and would trample upon them with as much indifference as it would crumple that paper?

The peculiar and the sole value of our institutions is,

that our rights and liberties are not at the mercy or the sufferance of a corrupt or frantic majority, or of any majority. The existence of the State governments, with all the attributes of Sovereignty, and with all the incidents and implements of sovereignty in full and constant exercise, with all the departments of a complete government in habitual action, is the real and effective guaranty of the Constitution, and of American right and liberty.

Let the Federal Government attempt its wrong, and it will be met by a resistance so certain and so commanding that it will never dare to encounter the issue. Reason, and argument, and justice and right, are very feeble things when urged by the defenceless and the oppressed. But from the lips of those who have arms in their hands and hearts to use them; from strong governments, who can raise and move armies, they are very powerful things. They cau then reach and control even the most senseless of all senseless things, religious fanaticism.

But dissolve the Union, and where are we then? The Governor of Virginia gave us the other day a significant and suggestive answer to this question, by the statement of a single fact. He tells the Legislature of that State that Canada is the rendezvous of all the abolition plotters, and the depot of their oppressive armaments.

Ah, well! Canada is now five hundred miles away. Let Canada skirt the borders of the Potomac and the Ohio, let the whole country from that line to the frozen ocean be inhabited by hostile nations, at once maddened by fanaticism and stimulated by national rivalry, and none of the battle-grounds of the world will furnish any parallel to the miseries which these nations would inflict upon each other. Every eminence would be crowned by a fortress, and every nook watched by its military police.

And what would become of the civil and political liberty

for the fancied security of which we had made this wanton and ruthless sacrifice?

Our fathers, in their simplicity, or in their wisdom, thought that large standing armies and republican institutions were incompatible. Supposing that they might possibly have been mistaken in that, although you will not think they were, what would each fragment of the Union be but a SIMPLE government, the unchecked domination of a despotic majority, as long as the attempt at a Republic was continued; and then the unrestrained will of some other form of oppressive despotism?

Let us never forget that free government, *unprotected by a conflict of self-sustaining interests*, is a Myth: never yet realized, never to be realized, while man retains his present corrupt and selfish nature.

All history teaches this lesson. The lesson is being taught every day in our own country. Suppose that all the rights and interests of the people of New-York Island were at the mercy of the City government, that there was no State government, and no Federal government to share the Sovereignty, and to check and restrain the Municipal Authorities. To what other form of despotism would not the people there recur, rather than submit to the oppression and injustice of that vile caricature of free government?

The history of the French and English monarchies teaches emphatically the lesson I have been trying to inculcate. France became a Despotic Monarchy because the wily Louis XI destroyed the power of the great Barons, before the Bourgeois, the Commons, had attained sufficient influence and authority to check and control the Executive power. And so the King became absolute, and his sole will was law, and the people and the nobles alike were trampled under the heel of the oppressor. The towns had, indeed, just begun to exercise some municipal rights when this change in

the ancient constitution took place, and the only shadow of liberty that remained to that country, for many ages, was found in the traditional prerogative of those Civic Corporations.

In England, on the contrary, the great nobles retained their power and influence, almost overshadowing the throne, and effectually resisting its usurping tendencies, until the greater Third Estate, the glorious Commons, rose to its legitimate might, and said to the Monarch, Thus far shalt thou go, and no further.

The American division of power between those two great realities, the Federal Government and the State Governments, is infinitely better than King, Lords, and Commons. *It is the last and highest expression of the loving-kindness of God in providing for the social and civil freedom of mankind.*

Such a conjuncture as that at which we have now arrived is the very exigency which this complicated and heaven-devised system was designed to meet. Was the Union intended to be a plaything, to be toyed with and enjoyed in ease and luxury, while all things were propitious; and to be cast aside as worthless just so soon as its right working calls for the exercise of high intelligence and noble manhood? Why, we have luxuriated so long and so securely, under the protection of this best of all the governments on the earth, that we have neglected and almost forgotten the first duty of every State, to keep always in effective organization its citizen soldiery, an armed force, sufficient to suppress insurrection, or to repel invasion.

Let the present crisis but arouse the people to their duty. Let each State and its Authorities awake to a due sense of the responsibilities of their position. Let them take care that neither the Commonwealth nor the Union shall be harmed. The power they possess is held in trust for the preservation of the Union, and not for its destruction.

With a right preparation for the full and effective discharge of this part of the duty, which every State owes to itself and to the country, all danger to the State or to the Union will be most surely avoided. To be ready at all times to resist aggression, and when wrongful aggression comes, from any quarter, to meet it, is the normal state of the American system of government. To be always strong, and ready to preserve our rights and the Union together, is the palladium of American liberty. The silly, childish, and worse than Turkish expedient, of dissolving the Union, and *blotting out our country from among the nations*, whenever its government does not work to our satisfaction, is the miserable suggestion of ignorance or of wickedness.

If this government is to cease just as soon as the passions and the evil purposes of men bring it into trial, then, indeed, it is weaker and meaner than the worst forms of Eastern despotism, where oppression and revolution are the only alternatives that balance each other, and where both concur in crushing and despoiling the people, making life a burden, and all nobleness an impossibility. Is such a worthless thing as this the glorious work which we have been holding up to the gaze of an admiring world for three quarters of a century?

The American system of government is not that deceptive and miserable abortion which this Disunion fanaticism would represent it. Its wise distribution of power between separate sovereignties provides at once and effectually for the preservation of Liberty and of the Constitution. Resistance to usurpation, a struggle for the maintenance of the Constitution, is not Revolution. When our fathers first took up arms against the tyranny of Great Britain they did not contemplate Revolution. They fought for the maintenance of the British Constitution, and for their rights as British subjects. It was only after the contest had been long and

bloody, and all hope of reconciliation had passed, that the Declaration of Independence, and the Revolution came. American Liberty and the American Constitution are inseparably bound together. Destroy that wonderfully adjusted system which a bounteous Providence has bestowed upon the people of this country, and Liberty will soon be but a mocking and a galling name.

God and our fathers have already given to the American people the most perfect provision for the protection of human right and liberty that the world has ever seen. The Federal Government, representing the sovereignty of the nation, and the State governments, representing the sovereignty of each State, in that wondrous combination which Divine and human wisdom have concurred in producing, present a more real and effectual guard against oppression, while all the legitimate purposes of government are fully provided for, than was ever effected before by any division of power between separate Estates of the realm.

This provision is not a mere paper Constitution. It is a real and substantive thing, the result of our actual condition and history. It is a "power ordained of God" most manifestly, for His providence brought it into being, and the highest human wisdom has gratefully accepted the blessing, and sought with assiduous care to guard the inestimable treasure.

The principle of this glorious provision, let me again remind you, is, that the Federal Government can execute its own laws by its own sovereign authority, while its jurisdiction is restricted to a limited range of subjects. The State governments by an equal sovereignty execute their laws over a much larger range of the ordinary subjects of legislation. Thus each government is in the constant and habitual exercise of sovereign power. In ordinary governments there is no resource against oppression but individual resist-

ance, or the irregular, feeble, and injurious expedient of conspiracy and rebellion. But in the American Constitution the attempted oppression of the stronger central government can be met at once and effectually by the organized resistance of an actual working government, just as sovereign and just as legitimate as the usurping power. The theoretical right of every man to maintain his liberty and to resist oppression is thus clothed with all the sanctity of a national act, and armed with all the power of a prepared and legitimate government. And this is the very highest guarantee and protection that human right and liberty can have.

Human wisdom cannot get beyond this. You cannot invent a system that will work itself smoothly along without ever calling in aid human responsibility. The "ultima ratio" is the necessary condition of all right. The perfection of our system is that it clothes that condition with effective and salutary power.

The fathers of the Republic understood all this very well, and therefore upon the first flagrant instance of unconstitutional and oppressive legislation by the Federal Government, the States of Virginia and Kentucky, in 1798–9, at once announced their determination to exercise their sovereign authority in resistance to that legislation; and they called upon the other State governments to do the same thing. This determination was accompanied with this plain and distinct declaration: "That the General Assembly of Virginia doth unequivocally express a firm resolution to maintain and defend the Constitution of the United States, and the Constitution of this State, against every aggression, either foreign or domestic."

These men of nerve and intellect knew very well the stern arbitrament to which they were appealing for the maintenance of their liberties, and they knew that that

arbitrament was the ultimate and only sanction of all human right. But they just as well understood and fully appreciated the persuasive and effective power of that "ultima ratio," when applied by sovereign States and working governments.

A generation later the leading gentlemen of South Carolina took up these same resolutions, and put upon them the fanciful interpretation of PEACEABLE NULLIFICATION and PEACEABLE SECESSION. Mr. Madison, the author of the Virginia resolutions, indignantly repudiated the construction; and Gen. Jackson fairly drove it out of sight. Now again these gentlemen are trying to delude the South into the foolish scheme of Peaceable Secession—the right of any State, at its sole will and discretion, to destroy this Government, to take away the United States of America from the map of the world and from the family of nations. The eagerness with which the Harper's Ferry outrage was seized upon by these men as the pretext for so vile a proposition, is a melancholy proof that the delusive dream which has been so long indulged in South Carolina of leading a Southern Confederacy has thoroughly debauched the popular mind, and produced a fanaticism parallel to that of John Brown and his associates and instigators.

I rejoice to see, in the dignified and patriotic proceedings of this Legislature, a very different spirit—a spirit of stern rebuke to traitors of every clime, of every section. And surely it is time that we should all stand upon our manhood and upon our loyalty, and rally to the defence and vindication of the Constitution and of the country. What good and precious thing in this world can be preserved without cost and sacrifice, and the exercise of all high and manly qualities! Is it the part of true manhood, of decent courage, of respectable firmness, to abandon and throw away a glorious gift of Providence, which has brought unnumbered

blessings to us, and promises incalculable good to our posterity to the latest generation, just as soon as the retention of that gift calls for effort, and self-denial, and strength of purpose? Because fanatics rave and baser panderers to their folly threaten, shall we ingloriously cast away our heritage, and fly to the covert of some imaginary protection? Is this the counsel to give to the sons of our sires? Then their daughters shall rebuke the insult and cry shame upon the cowardly suggestion.

When a sectional majority shall attempt to wrong us, let every Southern State say, without bluster, but with the calm possession of conscious right and strength, "We intend to preserve our rights and this Union together. You shall not touch the one, you shall not destroy the other." That voice, firmly uttered, would find a response in millions of fraternal and patriot hearts in the North. The treasonable speeches of gasconading politicians in the South have given to Black-Republicanism all its moral force, and are keeping alive the fanaticism by which they were excited.

I have heretofore allowed for the worst possible state of the case, in order fairly to *test* the principles I have been advocating. I have supposed the North to be thoroughly abolitionized. But that is not true, and never will be, if the Southern States are true to themselves, and to the dignity and responsibility of their position.

Unfortunately, most of the Representatives of both sections in Congress, the little men who shake their fists in each other's faces, are painfully and hopelessly incompetent to the stern requirements of their exalted station. They have done infinite mischief already, and may do that which can never be repaired, unless the good sense and right feeling of the country rally to the rescue, and repudiate their conduct. In that good sense and right feeling I confide.

The people are not prepared to destroy their country, or to consent to its destruction. Ages of sacrifice and effort made it what it is, and sacrifice and effort shall not be wanting to preserve and perpetuate it.

Men sometimes talk as if the Union was created by the Federal Government, and subsisted by virtue of its provisions. We have seen that this is historically untrue. The Union is coeval with the colonization of the country. The Federal Government is but the present conventional expression of the previous Union, and the instrument by which that Union accomplishes its beneficent purpose. Take away the fanatical disunionists, North and South, and there is not a citizen of the United States whose patriotic feelings do not correspond to this historical fact. There is not a citizen who does not say and feel, THE UNITED STATES IS MY COUNTRY. Not Massachusetts, not Virginia, not Kentucky, but THE UNITED STATES. Each citizen loves the State of his birth, but he loves his country too, and the WHOLE UNION IS THAT COUNTRY. Here, again, the combined patriotism, loyalty, and allegiance, correspond precisely with the complex relations which constitute the peculiarity and the glory of American institutions.

I think it has been amply proved that American liberty depends upon the preservation of those complex relations which spring from the combination of the Federal and State Sovereignties. Who then will dare to calculate the value of this Union? Human faculties are not competent to that calculation. The destinies of this continent; the freedom and the happiness of the myriads who are to people this land in all coming time are involved in the preservation of the Union. The hopes and the aspirations of mankind, looking to us for example and encouragement, depend upon the preservation of the Union.

And are all these mighty interests to be tamely sacrificed

to the stupid fanaticism of one set of miserables, and to the mean ambition or cowardly treachery of another? Forbid it, Americans! Forbid it, ye true-hearted men of every name and party! Let it be the glory of Kentucky now to be the first to come to the rescue of the American Constitution. May every child of this good Commonwealth rush boldly into the breach, and swear that the Union shall be preserved. The lofty traditions of your patriotic State, the generous devotion to country which you learned from your mothers, the memory of all the noble and sainted dead, who left you their spirit and their example, urge you to this resolve.

I should be false to you and to myself if I stopped here: if I did not remind you that there must be an element of stability and healthfulness in the *social* body as well as in the body politic. No form of free government can be administered unless by a people worthy of such a blessing, and capable of such a trust.

Religion is that essential element in the constitution of society without which society could hardly exist at all, and certainly could rise to no form of dignity or power. Religion is the foundation of all morality, the sanction of all law, the creator of all civilization, the principle of all high and elevated character. True religion alone can teach men to look above themselves for a law which is controlling and paramount; for a WILL to which the caprices of opinion and the impulses of passion must be alike submissive.

Very different from this conception of religion is the pseudo religious and moral fanaticism that has brought upon the country so many evils. The Supreme Deity which these men worship is the sublime Ego—the I, myself. To this Divinity they bow down in reverent adoration in all his changes and phases of opinion, fancy, and sentiment. It is a significant fact that the leaders of the Abolition crusade

first renounced the Church of the living God; and then, in following up their fancy, seek to overturn the Constitution of their country because that is in their way; and at last many of them, for the same reason, make the Bible the object of their bitterest scorn and foulest abuse.

My Countrymen, stand by the old Bible, and the old Faith, and the old Constitution, and let this be your motto: RELIGION, AND UNION, AND LIBERTY ARE OUR HERITAGE, AND WE WILL TRANSMIT THEM TO OUR CHILDREN.

THE BORROWER WILL BE CHARGED AN OVERDUE FEE IF THIS BOOK IS NOT RETURNED TO THE LIBRARY ON OR BEFORE THE LAST DATE STAMPED BELOW. NON-RECEIPT OF OVERDUE NOTICES DOES NOT EXEMPT THE BORROWER FROM OVERDUE FEES.

WIDENER
BOOK DUE
NOV 30 1983
CANCELLED
7987466
DEC 1 1983

WIDENER
BOOK DUE
JAN 3 - 19
CANCELLED
DEC 1 1983
1057 1983

US 5360.9
The Union :
Widener Library
001665109
3 2044 086 277 761